

DECISION NOTICE and FINDING OF NO SIGNIFICANT IMPACT
for
10 LIVESTOCK GRAZING ALLOTMENTS
on the Shoshone National Forest

Park and Hot Springs Counties, Wyoming

Introduction

This Decision Notice documents my decisions and rationale for the management of 10 commercial livestock grazing allotments on the Shoshone National Forest.

My decisions are based on environmental analyses conducted by a Forest Service interdisciplinary team of resource specialists. Their environmental analyses are documented in *Environmental Assessment for 36 Livestock Grazing Allotments on the Shoshone National Forest* (EA), which was published in March 1996 and in *Environmental Assessment for 31 Livestock Grazing Allotments on the Shoshone National Forest* (EA), which was published in January 1999. In accordance with the National Environmental Policy Act, the interdisciplinary team considered the affected environment, formulated alternatives, and disclosed the environmental consequences of implementing the alternatives. The analysis considered the Shoshone National Forest Land and Resource Management Plan (Forest Plan) goals, objectives, standards and guidelines, and issues raised during public scoping.

The EAs disclose the anticipated environmental effects of grazing by certain ungulates (elk, moose, bighorn sheep, cattle, horses, and domestic sheep) on suitable rangelands throughout the Shoshone National Forest. I have reviewed these EAs and public comments received on them; my decisions are based on this review.

The allotments included in this Decision Notice are located on the Clarks Fork and Greybull Ranger Districts, within Park and Hot Springs counties in the State of Wyoming.

Purpose And Need

This Decision Notice is necessary to meet the intent of Public Law 104-19. This law, commonly referred to as the Rescission Act of 1995, directs the Forest Service to develop and adhere to a schedule for completing site-specific, allotment management plan level NEPA analysis on all allotments where such analysis is needed, and to do so within 15 years. This Decision Notice covers 10 of the 82 commercial livestock grazing allotments on the Shoshone National Forest.

Decision

Of the 67 allotments analyzed in these EAs, 57 allotments are grazed exclusively with cattle. The other 10 allotments are either a combination of both sheep and cattle grazing or sheep only grazing. The Decision Notice issued in 1996 addressed only those allotments, or portions of, that are grazed by cattle. This Decision Notice covers the 10 allotments that are grazed partially or exclusively with domestic sheep.

Specific Allotment Decisions

Based on information in the EAs and public comment received, it is my decision to implement the decisions described below:

Francs Peak Allotment

A prior Decision Notice determined that the Francs Fork and Timber Creek Units of the Francs Peak Sheep Allotment would be combined with the Sunshine and Timber Creek Cattle Allotments. It is my decision at this time that the remainder of the Francs Peak Sheep Allotment will remain vacant indefinitely and no permit for the grazing of domestic sheep will be issued.

Rationale

My rationale for this decision is due to the lack of interest from the sheep industry and the potential for disease transmission from domestic sheep to bighorn sheep. This decision does not formally close the allotment to commercial livestock use (closure would be a suitability decision and is addressed at the forest planning level). If, at some time in the future, conditions change and an environmental analysis is completed, a decision to resume domestic sheep grazing could be made.

Yellowsteer, Twin Peaks, Peat Beds, and Burnt Mountain Allotments

It is my decision that the Yellowsteer, Twin Peaks, Peat Beds, and Burnt Mountain Sheep Allotments will remain vacant indefinitely and no permit for the grazing of domestic sheep will be issued.

Rationale

My rationale for this decision is due to the lack of interest from the sheep industry and the potential for disease transmission from domestic sheep to bighorn sheep. This decision does not formally close the allotment to commercial livestock use (closure would be a suitability decision and is addressed at the Forest Planning level). If, at some time in the future, conditions change and an environmental analysis is completed, a decision to resume domestic sheep grazing could be made.

Bennett Creek, Deep Creek, Little Rock, Stockade, and Line Creek East Allotments

A prior Decision Notice determined that the existing cattle grazing on these allotments would continue to be managed in conjunction with the Face of the Mountain Cattle Allotment. Recently the domestic sheep operation utilizing these allotments was moved to the Bighorn National Forest to avoid the potential for disease transmission from domestic sheep to bighorn sheep. It is my decision at this time no permit for the grazing of domestic sheep will be issued for the Bennett Creek, Deep Creek, Little Rock, Stockade, and Line Creek East Allotments.

Rationale

My rationale for this decision is due to the potential for disease transmission from domestic sheep to bighorn sheep. If, at some time in the future, another environmental analysis is completed, a decision to resume domestic sheep grazing could be made.

Public Involvement

Before the analysis process, a scoping document describing the proposed action was distributed to individuals and organizations that have shown an interest in commercial livestock grazing activity on the Shoshone National Forest. A number of open houses and meetings with permittees, conservation organizations, industry organizations, interested individuals, the University of Wyoming, county commissioners, and other government agencies were also held. The issues identified through scoping were analyzed as appropriate and were documented in the EAs.

The EAs were delivered to individuals who requested them, for a 30-day review and comment period. I have reviewed the comments received and responded to them, as required. The concerns raised during this review have been adequately addressed and documented in this Decision Notice.

How Issues Were Considered

The interdisciplinary team consolidated the issues raised through the scoping process into significant issues that were analyzed in detail. These issues were used to identify analysis needs, develop alternatives to the proposed actions, and assess the probable environmental effects of each alternative considered. Other issues that were considered to be within the scope of analysis were addressed in the EAs and some issues raised that were determined to be outside the scope of the analysis were dismissed.

Consistency with the Forest Plan and Other Environmental Documents

The Forest Plan contains goals (pages III-6 through III-10) that relate directly or indirectly to the management of the rangeland resource and commercial livestock grazing; these are identified within the EAs.

I, and the interdisciplinary team, considered the Forest Plan and its associated Environmental Impact Statement (EIS), the Oil and Gas Leasing EIS, and the Allowable Timber Sale Quantity EIS. I have determined that these EAs are appropriately tiered to and consistent with these documents.

Findings Required by Laws, Regulations, and Policies

Livestock grazing on the Forest is permitted in accordance with federal regulations, laws, and agency policies. The regulations can be found in the Code of Federal Regulations (CFR), while agency policy can be found in Forest Service Manuals and Handbooks. The major applicable federal laws are the Organic Act, Public Rangeland Improvement Act, Multiple Use Sustained Yield Act, Endangered Species Act, Federal Land Policy and Management Act, Clean Water Act, National Environmental Policy Act, and National Historic Preservation Act.

National Environmental Policy Act (NEPA) provisions have been followed, as required by regulations implementing this law (40 CFR 1500-1508). The EAs disclose the anticipated impacts of each alternative and discuss the identified issues. This Decision Notice describes the decisions I have made and my rationale.

My review of the record, which includes the project files, the EAs, public comment received on the EAs, my responses to that comment, and this Decision Notice, indicate to the best of my knowledge my decisions are consistent with these laws and their regulations.

Alternatives Considered

As a minimum, two alternatives were considered and analyzed for each allotment. These consisted of Alternative A (No Action) and Alternative B (Authorize Grazing Similar to that Most Recently Permitted). In addition to these two alternatives, a third alternative, Alternative C, was developed for some allotments in order to address issues raised during scoping that were not adequately addressed in either Alternative A or B.

Alternatives considered in the EAs were:

Alternative A - No Livestock Grazing

The National Environmental Policy Act procedural regulations require the Forest Service to study the No Action Alternative in detail, and to use it as a baseline for comparing the effects of other alternatives (40 CFR 1502.14(d), and the Forest Service Handbook 1909.15,23.1). Selection of the No Action alternative would mean that grazing of domestic livestock would be eliminated from the allotment indefinitely. This alternative was considered for each allotment.

Alternative B - Similar to that Most Recently Permitted

This alternative reflects permitted livestock grazing use and a management strategy similar to that most recently permitted. This alternative was analyzed for each allotment.

Alternative C - Change from Current Management

This alternative was developed to address issues raised during scoping that were not adequately addressed in either Alternative A or B. This alternative provides for grazing use, but under different conditions than most recently permitted. This alternative would also provide for grazing use on vacant or partially vacant allotments.

Finding of No Significant Impact (FONSI)

Consideration of the effects disclosed in the EAs, and a finding that they are not significant, is a necessary and critical part of my decision. This determination of significance is required by 40 CFR 1509.27. Additionally, 40 CFR 1508.27 defines significance at it relates to consideration of environmental effects of a direct or indirect nature.

Mitigation and monitoring is a necessary adjunct to my decision by virtue of the Forest Plan standards and guidelines or other requirements. Mitigation measures as proposed in the EAs and as adopted by this decision, are generally those required by statute or regulation. As such, they can be considered and relied upon in making a determination of no significant impact.

My review of the EAs, public comments to them, and my responses, indicate that with proper implementation of my decisions there will be no significant effect on the human environment either individually or cumulatively. Preparation of an environmental impact statement (EIS) pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 is not required. This determination is based on considering the context of the action in the EAs and the following intensity factors, as outlined in 40 CFR 1508.27:

1. Context (significance of both short- and long-term effects must be viewed in several contexts: society as a whole (human, national); the affected region; the affected interests; and the locality)

Discussions relative to context are in Chapters II and III of the EAs and many of my responses to public comment. Short- and long-term effects are discussed across all potentially affected resources and interests.

2. Intensity (refers to severity of impact)

- a. Consider intensity of impacts that may be both beneficial and adverse.

Discussions relative to this intensity item are in Chapters II and III of the EAs and many of my responses to public comment.

- b. The degree to which the action affects public health or safety.

Ungulate grazing has been an ongoing activity on these allotments for decades. Public health and safety was not raised as an issue. My decisions will not result in any changes to public health and safety.

- c. Unique characteristics of the potentially affected area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Unique characteristics within and in proximity to these allotments were considered in the analysis. Potential effects on these characteristics, such as cultural resources and wetlands, because of the mitigation measures and monitoring requirements, will be mitigated to an acceptable level.

- d. The degree to which effects on the quality of the human environment are likely to be highly controversial.

The issues identified during scoping are similar to those raised on other proposed actions on the Shoshone (timber sales, recreation developments, minerals activities, etc.). My decisions, in all likelihood, will be controversial to some individuals and organizations. However, I believe my decisions provide the balance and flexibility to allow for on-the-ground adjustments as necessary. Adjustment needs will be identified through normal permit administration and monitoring.

- e. The degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks.

Ungulate grazing has been an on-going activity on these allotments for decades. The effects of grazing are well documented in the literature. My decisions do not involve highly uncertain, unique, or unknown risks that have not been accounted for in the EAs.

- f. The degree to which the action may establish a precedent for future actions with significant impacts.

My decisions do not establish a precedent for any future action that may involve significant impacts. Any such future action, programmatic or otherwise, will require a new decision.

- g. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into smaller parts.

Cumulative effects were considered in the analysis. My decisions will not result in significant contributions to cumulative effects for several reasons: domestic livestock grazing on the Forest has declined significantly over the last several decades, adjustments to numerous allotments are being made to reduce or eliminate current resource effects, and additional mitigation measures and monitoring requirements are being added to permits.

h. The degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places, or other significant scientific, cultural or historic resource.

The mitigation measures and monitoring requirements mitigate this item. An agreement with the State Historical Preservation Office has been developed. Complete information on this item can be found in the EAs.

i. The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

For the allotments covered by this Decision Notice, I concluded my actions would not adversely affect endangered or threatened species or its critical habitat. I have received concurrence from the US Fish and Wildlife Service for these allotments.

j. Whether the action threatens a violation of Federal, State or local law or requirements imposed for the protection of the environment.

My review included validation that my decisions will not result in a violation of any Federal, State, or local law or requirement imposed for the protection of the environment.

Appeal Opportunities

This decision notice is subject to appeal under 36 Code of Federal Regulations (CFR) Part 215. A written appeal must be submitted within 45 days of the day after notice of this decision is published in the *Cody Enterprise* (Cody, Wyoming) to:

USDA Forest Service, Region 2
Rocky Mountain Region
Attn.: Appeal Deciding Officer
PO Box 25127
Lakewood, Colorado 80225-25127

Appeals must meet the following requirements:

1. State that the document is an appeal filed pursuant to 36 CFR 215.
2. List the name and address of the appellant and, if possible, a telephone number.
3. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official(s).
4. Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in 36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Implementation Date

Pursuant to 36 CFR 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.10(b)).

Contact Person

Needs for any additional information should be addressed to:

Joe Hicks
Shoshone National Forest
203A Yellowstone Ave.
Cody, Wyoming 82414
Phone (307) 527-6921

Copies of the environmental assessments are available for public review at the Wapiti Ranger District Office, 203A Yellowstone Ave., Cody, Wyoming 82414

Responsible Official

<u>/s/ Brent Larson</u>	January 9, 2003
BRENT LARSON	Date
District Ranger	